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In re Application of
Steve Barhorst et al.
Application No. 10/804,913
Filed: March 19, 2004
Attorney Docket No. 22176.23

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: **OFFICE OF PETITIONS**
: **DECISION ON PETITION**
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This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 26, 2008, to revive the above-identified application.

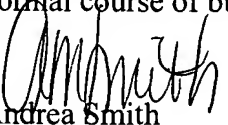
The petition is **GRANTED**.

The application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed May 7, 2007, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 41.37(b). As no claim was allowed, the application became abandoned on July 8, 2007. See MPEP 1215.04. A Notice of Abandonment was mailed on July 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Appeal Brief, with the fee of \$510, (2) the petition fee of \$1540, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Technology Center AU 1793 for appropriate action in the normal course of business for processing of the Appeal Brief received February 26, 2008.


Andrea Smith
Petitions Examiner
Office of Petitions